

**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

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**OPINION 536**

Protection under the Plenary Powers of the generic  
names *Hellula* Guénée, 1854, and *Udea* Guénée, 1844  
(Class Insecta, Order Lepidoptera)

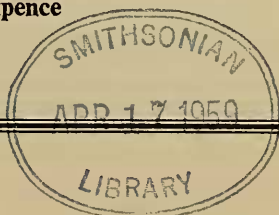
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## OPINION 536

### PROTECTION UNDER THE PLENARY POWERS OF THE GENERIC NAMES "HELLULA" GUENÉE, 1854, AND "UDEA" GUENÉE, 1844 (CLASS INSECTA, ORDER LEPIDOPTERA)

**RULING** :—(1) It is hereby ruled that the emendation to *Oeobia* of the generic name *Oebia* Hübner, [1825] (Class Insecta, Order Lepidoptera), is a valid Emendation, because it was made by the original author (Hübner) in the index (*Anzeiger*) to the same work as that in which the defective spelling *Oebia* was first published.

(2) The generic name *Oeobia* (emend. of *Oebia*) Hübner, [1825], is hereby suppressed under the Plenary Powers for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(3) The under-mentioned generic names are hereby placed on the *Official List of Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Hellula* Guénée, 1854 (gender : feminine) (type species, by original designation : *Phalaena undalis* Fabricius (J.C.), 1781) (Name No. 1326) ;

(b) *Udea* Guénée, 1844 (gender : feminine) (type species, by monotypy : *Pyralis ferrugalis* Hübner, 1796) (Name No. 1327).

(4) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

(a) *undalis* Fabricius (J.C.), 1781, as published in the combination *Phalaena undalis* (specific name of type species of *Hellula* Guénée, 1854) (Name No. 1593) ;

(b) *ferrugalis* Hübner, 1796, as published in the combination *Pyralis ferrugalis* (specific name of type species of *Udea* Guénée, 1844) (Name No. 1594).

(5) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Oebia* Hübner, [1825], a name rejected under (1) above as an Invalid Original Spelling for *Oeobia* (Name No. 1224) ;

(b) *Oeobia* (emend. of *Oebia*) Hübner, [1825], as suppressed under the Plenary Powers in (2) above (Name No. 1225).

(6) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 568 :—

*undulalis* Hübner, 1796, as published in the combination *Pyralis undulalis* (an Erroneous Subsequent Spelling for *undalis* Fabricius (J.C.), 1781, as published in the combination *Phalaena undalis*).

## I. THE STATEMENT OF THE CASE

On 29th July 1956, Dr. Elwood C. Zimmerman at that time on a visit to the United Kingdom submitted to the International Commission on Zoological Nomenclature an application designed to secure the interpretation of the nominal genus *Oeobia* (emend. of *Oebia*) Hübner, [1825], in such a way as not to disturb the position of the generic name *Hellula* Guénée, 1854 (Class Insecta, Order Lepidoptera). The application so submitted was as follows:—

**Proposed addition to the "Official List of Generic Names in Zoology" of the generic names "Oeobia" Hübner, [1825], and "Hellula" Guénée, 1854 (Class Insecta, Order Lepidoptera)**

By ELWOOD C. ZIMMERMAN

(*British Museum (Natural History), London*)\*

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to place on the *Official List of Generic Names in Zoology* the names of two genera of Pyralid moths in order thereby to place on record in the most formal way (a) what is the correct spelling of one of the generic names concerned and (b) what is the type species of the genus so named. The problem involved has come to light in the course of writing the volumes on Lepidoptera in the work *Insects of Hawaii*. The facts of this case are set out in the following paragraphs.

2. It will be convenient to deal first with the question of the correct spelling of the older of the two generic names concerned. This name was published by Hübner (J.) in [1825] (*Verz. bekannt. Schmett.* (23) : 362) with the spelling "*Oebia*". Hübner placed this genus in a separate group to which he gave the vernacular and Latin names "*Oeobien*" and "*Oeobiae*" respectively. There is therefore a strong presumption that the spelling "*Oebia*" was a misprint or *lapsus calami* for "*Oeobia*". This presumption is converted into a certainty by the fact that in the index to the *Verzeichniss*—i.e. in the separately paged *Anzeiger* (: 58)—the spelling of this name was corrected to "*Oeobia*". The first point now sought is therefore that the International Commission should rule that the correct spelling for this generic name is "*Oeobia*" and that the spelling "*Oebia*" is an Invalid Original Spelling. In the remainder of the present application this name is cited in the correct spelling "*Oeobia*".

3. The second point with which the present application is concerned is the question of the species to be accepted as the type species of the genus *Oeobia* Hübner, [1825]. The facts are as follows:—

(a) Hübner [1825] placed in the genus *Oeobia* two nominal species, namely:—

(i) *Pyralis numeralis* Hübner, 1796, *Samml. europ. Schmett.* : pl. Pyr. 14, fig. 89 ;

(ii) *Pyralis undulalis* Hübner, 1796, *Samml. europ. Schmett.* : pl. Pyr. 14, fig. 93 [a misspelling of *Phalaena undalis* Fabricius (J.C.), 1781, *Spec. Ins.* 2 : 272 (as is shown by the fact that in the text of the *Pyrales* portion of the *Samml. europ. Schmett.* (: 19) Hübner used the correct spelling "*undalis*" for this species)].

\* This research was completed during the tenure of a grant from the United States National Science Foundation.

- (b) Hübner did not designate a type species for the genus *Oeobia* Hübner.
- (c) In 1854 (*Hist. nat. gén. Ins.*, Lép. 8 : 415) Guénéé established the monotypical genus *Hellula* with *Phalaena undalis* Fabricius, 1781, as type species by original designation.
- (d) Following Guénéé's removal of *Phalaena undalis* Fabricius to the genus *Hellula* Guénéé, authors used the name *Oeobia* Hübner for the sole remaining species, namely, *Pyralis numeralis* Hübner, but no one thought it necessary formally to select that species as the type species of *Oeobia*. This was due no doubt to the fact that at that time many zoologists in the absence of an international code of zoological nomenclature applied the "Principle of Elimination" in this case and therefore considered that, as the result of Guénéé's action in 1854 in removing *Phalaena undalis* Fabricius to his new genus *Hellula*, the nominal species *Pyralis numeralis* Hübner, as the sole surviving originally included species, was automatically the type species of *Oeobia* Hübner.
- (e) In an *Opinion* (*Opinion* 6) published in 1910 (*Smithson. Publ.* 1938 : 7-9) the International Commission gave a Ruling that, where (i) a genus was established with no more than two included nominal species and (ii) later one of those species was made the type species of a new monotypical genus, the remaining nominal species automatically became the type species of the earlier established genus.
- (f) All the conditions laid down in *Opinion* 6 apply to *Oeobia* Hübner and accordingly under the Ruling given in that *Opinion*, the nominal species *Pyralis numeralis* Hübner automatically became the type species of *Oeobia* Hübner.
- (g) In 1928 (*J. Faculty Agric. Hokkaido imp. Univ.* 22(1) : 246) Shibuya, being apparently unaware of the bearing on this case of the Ruling given in *Opinion* 6, selected *Phalaena undalis* Fabricius as the type species of *Oeobia* Hübner.
- (h) In 1953 (*Copenhagen Decisions zool. Nomencl.* : 72, Decision 135) the Fourteenth International Congress of Zoology, Copenhagen, revoked a decision taken in 1948 by the Thirteenth International Congress of Zoology, Paris, under which in a clarified form as set out in (d) above the Ruling given in *Opinion* 6 had been incorporated into the *Règles*. At the same time, however, the Copenhagen Congress granted protection to cases where the type species of genera had been accepted on the faith of the Ruling given in *Opinion* 6.

4. The greatest confusion would have resulted from the action of Shibuya if that had been accepted, for it would have sunk the well-known name *Hellula* Guénéé as a junior objective synonym of *Oeobia* Hübner and would have involved the highly objectionable transfer of the name *Oeobia* to the genus always previously known as *Hellula*. At the time when Shibuya made this unfortunate type selection (1928) the Ruling given in *Opinion* 6 was in full force and his action was therefore invalid. It is true that that Ruling is now no longer available for future use but the saving clause enacted by the Copenhagen Congress for the protection of back cases luckily has the effect of preventing the serious confusion which would have followed the acceptance of Shibuya's action. If it were not so, I should have considered that this was a case where in the interests of nomenclatorial stability the Commission should be asked to use its Plenary Powers to set aside Shibuya's type selection and thus

to secure that *Pyralis numeralis* Hübner should continue to be recognised as the type species of the genus *Oeobia* Hübner. In order to prevent the possibility of any misunderstanding it is very desirable however, that this matter should be set at rest by the International Commission putting the names *Oeobia* Hübner and *Hellula* Guénée on the *Official List of Generic Names in Zoology*. No family-group-name problem arises in the present case, since both the genera concerned are currently treated as belonging to the family PYRALIDAE.

5. Accordingly, for the reasons set out above, the International Commission on Zoological Nomenclature is now asked :—

- (1) to give a Ruling that the emendation to *Oeobia* of the generic name *Oebia* Hübner, [1825], is a Valid Emendation, having regard to the fact that it was made by the author of the above name in the index (*Anzeiger*) to the same work as that in which the defective spelling *Oebia* was published ;
- (2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—
  - (a) *Oeobia* (emend. of *Oebia*) Hübner, [1825] (gender : feminine) (type species, by designation through the Ruling given in *Opinion 6 : Pyralis numeralis* Hübner, 1796) ;
  - (b) *Hellula* Guénée, 1854 (gender : feminine) (type species by original designation : *Phalaena undalis* Fabricius (J.C.), 1781) ;
- (3) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
  - (a) *numeralis* Hübner, 1796, as published in the combination *Pyralis numeralis* (specific name of type species of *Oeobia* Hübner, [1825]) ;
  - (b) *undalis* Fabricius (J.C.), 1781, as published in the combination *Phalaena undalis* (specific name of type species of *Hellula* Guénée, 1854) ;
- (4) to place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—*Oebia* Hübner, [1825] (an Invalid Original Spelling for *Oeobia* Hübner) ;
- (5) to place the under-mentioned specific name on the *Official Index of Rejected and Invalid Specific Names in Zoology* :—*undulalis* Hübner, 1796, as published in the combination *Pyralis undulalis* (an Erroneous Subsequent Spelling for *undalis* Fabricius (J.C.), 1781, as published in the combination *Phalaena undalis*).

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Dr. Zimmerman's application the question of protection of the generic name *Hellula* Guénée (Class Insecta, Order Lepidoptera) was allotted the Registered Number Z.N.(S.) 1149.

**3. Publication of the present application :** The present application was sent to the printer on 2nd August 1956 and was published on 28th September of

that year in Part 9 of Volume 12 of the *Bulletin of Zoological Nomenclature* (Zimmerman, 1956, *Bull. zool. Nomencl.* 12 : 248-251).

**4. Objection by Eugene Munroe to a portion of the application submitted by Elwood C. Zimmerman :** On 20th March 1957, Dr. Eugene Munroe (*Department of Agriculture, Division of Entomology, Ottawa, Canada*) addressed a letter to the Office of the Commission, with which he enclosed a statement in which, while agreeing that the spelling *Oebia* Hübner, [1825] ought to be emended to *Oeobia*, as proposed by Dr. Zimmerman, he did not agree that under the *Règles* the type species of this genus was *Pyralis numeralis* Hübner, 1796. On the contrary, he considered that the true type species of *Oebia* Hübner was *Phalaena undalis*, Fabricius, 1781, the species which was undoubtedly the type species of the well-established but later genus *Hellula* Guénéé, 1854. Dr. Munroe accordingly asked that the Commission should suppress the generic name *Oebia* Hübner under its Plenary Powers, thereby protecting the position of the generic name *Hellula* Guénéé. The statement submitted by Dr. Munroe was as follows :—

**Comment on Dr. Elwood C. Zimmerman's proposal to add to the " Official List of Generic Names in Zoology " the names " Oeobia " Hübner, [1825] and " Hellula " Guénéé, 1854 (Class Insecta, Order Lepidoptera)**

By EUGENE MUNROE

(*Insect Systematics and Biological Control Unit, Entomology Division, Science Service, Department of Agriculture, Ottawa, Canada*)\*

Dr. Zimmerman's proposal Z.N.(S.) 1149 relates to two questions : (1) the proper spelling of the name *Oebia* or *Oeobia*, and (2) the type species of this genus.

2. On the first of these questions I am glad to give unqualified support to Dr. Zimmerman. It is obvious from the original publication that *Oeobia* is the intended spelling and that *Oebia* is an accidental error. The latter is therefore an Invalid Original Spelling (*Copenhagen Decisions zool. Nomencl.* : 44, Decision 71 (1)(b)(i)), and has no status in nomenclature (*ibid.* : 45, Decision 73(1)). The reinforcement of this conclusion by a specific ruling by the Commission is perhaps superfluous, but will lay the matter to rest.

On the second question, I admire Dr. Zimmerman's scholarship in pointing out the generally overlooked selection of the type species of *Oeobia* Hübner implicit, under the now revoked *Opinion* 6, in Guénéé's indication of *Phalaena undalis* Fabricius as type species of *Hellula* Guénéé ; furthermore, I strongly sympathize with Dr. Zimmerman's desire to protect the important name *Hellula* from usurpation by the obscure name *Oeobia*. However, two points prevent me from agreeing with his position.

3. The first of these is the technical question of the actual type species, under existing rules and decisions, of *Oeobia* Hübner. Dr. Zimmerman's historical data in his para. 3(a) to (c) are accurate, as are in general those in his para. 3(e) to (h). In summary : Hübner, (1825), erected the genus *Oeobia* for two species ; one of these, *Pyralis undalis* Fabricius, was indicated

\* Contribution No. 3555, Entomology Division, Science Service, Department of Agriculture, Ottawa, Canada.

as type of *Hellula* by Guénée, 1854 ; under *Opinion* 6 this had the effect of selecting the remaining original species, *numeralis* Hübner, as type species of *Oeobia* ; Shibuya, 1928, ignoring the selection under *Opinion* 6, selected *undalis* Fabricius as type species of *Oeobia* ; this selection was made in due form and is not intrinsically invalid, but is antedated by the selection under *Opinion* 6 ; under *Copenhagen Decisions zool. Nomencl.* : 72, Decision 135, 1953, *Opinion* 6 was repealed, and is to be disregarded except “ where, on the faith of *Opinion* 6, the species currently accepted as the type species of any given nominal genus has been determined . . . [by the method prescribed in that *Opinion*] and where, without such protection, it would be necessary to change the type species of the genus concerned ”. So far—except for the possible question whether *Opinions* had mandatory force on authors in 1928, when Shibuya made his selection—I completely agree with Dr. Zimmerman’s presentation. His case, as he clearly states, rests squarely on the assumption that *numeralis* Hübner is now the generally accepted type species of *Oeobia*, and that a change in accepted type is required if Shibuya’s designation is recognised.

4. This assumption, detailed in Dr. Zimmerman’s para. 3(d), is, so far as I can discover, a complete misconception. Far from being in general use with *numeralis* Hübner explicitly or implicitly as type, *Oeobia* has had little currency in any sense whatever ; on the few occasions when the name has been used, it has been either with *undalis* Fabricius as type species (e.g. : Shibuya, 1928 ; Klima, 1939 ; Ghesquière, 1942 ; Inoue, 1955) or for an indiscriminate assemblage of species, not closely related to either *undalis* Fabricius or *numeralis* Hübner and without designation or even suggestion of what the type species was considered to be (Meyrick, 1933). *Oeobia* only accidentally fell within the purview of *Opinion* 6 in the first place. Guénée did not really intend to “ remove ” *undalis* from *Oeobia* : he regarded *Oeobia*, like many other *Verzeichniss* names, as invalid. He placed *numeralis* in *Scopula* and *undalis* in the new genus *Hellula*, citing *Oeobia* in the synonymy of neither. Although I have not examined all European references, I know of no author who, “ following Guénée’s removal of *Phalaena undalis* Fabricius to the genus *Hellula* Guénée . . . used the name *Oeobia* for the sole remaining species namely, *Pyralis numeralis* Hübner ”. Certainly this was not done in any general work, e.g. Walker, 1859, Lederer, 1863, Meyrick, 1890, Hampson, 1896, 1899. In these works *Oeobia* either is ignored or is rejected as a nondescript name.

5. There is, therefore, no case for the exercise of the “ saving clause ” of Decision 135 of the Copenhagen Congress. Any usage there may have been of *Oeobia* with *numeralis* as explicit or implicit type is unknown to me, and was certainly obscure or local. Conversely, *Oeobia* has been cited in a number of works of general application or currency either with *undalis* as type species, or in the synonymy of *Hellula*. To recognise the indication under *Opinion* 6 of *numeralis* as type species of *Oeobia* would be a reversal rather than a continuation of existing practice with respect to the type species of this genus. The selection of *numeralis* as type species cannot, therefore, be accepted automatically, but could be accomplished only by selection under the Plenary Powers.

6. This leads to the second point on which I do not fully agree with Dr. Zimmerman, namely : the desirability (as opposed to the technical justification) of considering *numeralis* rather than *undalis* the type of *Oeobia*. Here once again I agree with most of Dr. Zimmerman’s argument and with an important part of his position. In spite of several current references to



*undalis* and allies to *Oeobia*, there is no doubt that the great preponderance of taxonomic usage and in addition an extensive and almost universal usage in the literature of economic entomology are predicated on the use of *Hellula* for *undalis* and allies. I fully agree that the supplanting of *Hellula* by *Oeobia* would result in confusion, and would be contrary to the principle of stability and universality of nomenclature, and that it is desirable to avoid this change, even if the Plenary Powers must be invoked. Dr. Zimmerman, as he states in his para. 4, would (assuming use of the Plenary Powers was necessary) recommend the disposal of *Oeobia* by suppressing Shibuya's selection of *undalis* as type and by upholding *numeralis* in its place. However, we must consider not only the negative and admittedly beneficial effects of such action on *Hellula* but also its positive and unfortunate effects on *numeralis* and allies. Here subjective taxonomy must be considered, which, though not affecting pure nomenclature, does strongly affect the questions of stability and usage that govern exercise of the Plenary Powers.

7. The species *numeralis*, if the current identification is correct—an assumption concerning which there is some doubt—is itself a comparatively obscure Palearctic one, whose nomenclatorial fate is not a matter of great interest. However, recent taxonomic work has shown that *numeralis* belongs to a structurally compact, but numerous and widely distributed, genus, with probably well over 100 species and an almost cosmopolitan range. At least two congeners, *Pyralis ferrugalis* Hübner and *Scopula rubigalis* Guénée, are of recognised economic importance, their combined ranges being almost world-wide. Generic references of these numerous species have varied greatly but, to the best of my knowledge, not one of them with the exception of *numeralis* at the time of Hübner's erection of the genus and of a few species in one obscure reference by Caradja, has ever been listed under *Oeobia* which, as indicated above, has had a limited use, virtually always in other senses. Selection, under the Plenary Powers, of *numeralis* as type species of *Oeobia* would require the use of this name in a completely unfamiliar sense for the large number of species that would otherwise fall in *Udea* Guénée (type species *Pyralis ferrugalis* Hübner, one of the economically important species), moreover this use, because of present doubt as to the identity of *numeralis*, might ultimately have to be changed again. Use of *Oeobia* in this sense would militate against stability and universal acceptance of the names concerned, and would far counter-balance in this large and important genus the stabilising effect it would have on the name of the small though important genus *Hellula*.

8. If the assumption had been correct that *numeralis* automatically becomes the type of *Oeobia*, one might perhaps have been tempted to let events take their course, regardless of possible disturbance of the names of *numeralis* and congeners. However, as the Plenary Powers must in any event be invoked to preserve *Hellula*, a very satisfactory solution presents itself, namely: instead of altering the type of *Oeobia* simply to suppress the name. This would achieve the result, desired by both Dr. Zimmerman and myself, of preserving the name *Hellula* and at the same time would obviate the far-reaching changes that would be caused by altering the type species of *Oeobia* from *undalis* to *numeralis*. I am submitting separately an application for use of the Plenary Powers in this sense.

9. To sum up:—

- (a) I agree that *Oeobia* would be regarded as an Erroneous Original Spelling and *Oeobia* Hübner as a Valid Original Spelling.

- (b) I do not agree that *Pyralis numeralis* Hübner is the type of *Oeobia* Hübner; on the contrary, I think that *Phalaena undalis* Hübner is the type under existing rules and decisions.
- (c) I agree that the consequent sinking of *Hellula* Guénée to *Oeobia* Hübner is undesirable, that means ought to be found to prevent it, and that the name *Hellula* Guénée, with type species *undalis* Fabricius, should be added to the *Official List of Generic Names in Zoology*, if necessary by use of the Plenary Powers.
- (d) I do not agree that the name *Oeobia* Hübner, with type species *numeralis* Hübner, should be added to the *Official List*. On the contrary, I think this little-used name ought to be suppressed under the Plenary Powers. I apply separately to the Commission for such suppression in the immediately following paper.<sup>1</sup>

5. **Submission of a counter-proposal by Eugene Munroe (Department of Agriculture, Division of Entomology, Ottawa, Canada):** With the letter dated 20th March 1957 under cover of which had been submitted to the Commission the comment on Dr. Zimmerman's application reproduced in the immediately preceding paragraph, Dr. Eugene Munroe enclosed a further paper in which he set out as an alternative to Dr. Zimmerman's plan, a counter-proposal under which the position of the generic name *Hellula* Guénée, 1854, and also that of *Udea* Guénée, 1844, would be given absolute protection by the suppression by the Commission under its Plenary Powers of the generic name *Oeobia* (emend. of *Oebia*) Hübner, [1825]. The paper so submitted was as follows:—

**Proposed suppression under the Plenary Powers of the generic name "Oeobia" Hübner, [1825] (Class Insecta, Order Lepidoptera), for the purposes of the Law of Priority but not for those of the Law of Homonymy**

By EUGENE MUNROE

(*Insect Systematics and Biological Control Unit, Entomology Division, Science Service, Department of Agriculture, Ottawa, Canada*)\*

The present application for the suppression under the Plenary Powers of the generic name *Oeobia* Hübner, [1825] (Class Insecta, Order Lepidoptera) is submitted as a counter-proposal to the application submitted by Dr. Elwood C. Zimmerman for the addition of that name to the *Official List of Generic Names in Zoology* with *Pyralis numeralis* Hübner, 1796, as type species (1956, *Bull. zool. Nomencl.* **12** : 248–251), as regards which I have already stated my objections in the immediately preceding note.<sup>2</sup>

2. The genus *Oeobia* was erected by J. Hübner, [1825] (*Verz. bekannt. Schmett.* (23) : 362) for two nominal species, namely: *Pyralis numeralis* Hübner, 1796, and *Phalaena undalis* Fabricius, 1781—Hübner's erroneous subsequent spelling "*undulalis*" being automatically corrected under *Copenhagen Decisions zool. Nomencl.* : 45, Decision 72(2).

3. There is a difference of opinion as to which should be considered the type species of *Oeobia*. Zimmerman, in his application, has argued that *Pyralis numeralis* Hübner is the type species, whereas I, in my comment on

<sup>1</sup> See paragraph 5 of the present *Opinion*.

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<sup>2</sup> See paragraph 4 of the present *Opinion*.

Zimmerman's proposal, have taken the view that *Phalaena undalis* Fabricius is the type species.

4. Whichever species is taken as type, the stability and universal acceptance of the name of an important and widely distributed genus is threatened. If *Phalaena undalis* is accepted as the type species, *Oeobia* supplants the familiar name *Hellula* Guénée, 1854 (*Spéc. gén.*, Lép. 8 : 415) in general use for a small but almost cosmopolitan genus, containing several species of economic importance. If *Pyralis numeralis* is accepted as the type species, *Oeobia* supplants, under current taxonomic arrangements, the name *Udea* Guénée, 1844 (*in* Duponchel, *Cat. Méth. Lép. Eur.* : 209), type species *Pyralis ferrugalis* Hübner—a large and world-wide genus, containing at least two widespread crop pests and over 100 other species. Details of usage in the alternative cases follow.

5. *Phalaena undalis* Fabricius, 1781, was, under the erroneous subsequent spelling *undulalis*, one of the two species included by Hübner, [1825] (*Verz. bekannt. Schmett.* (23) : 362) in his genus *Oeobia* (for discussion of the spelling of *Oeobia* see Zimmerman, *op. cit.*). Hübner's generic name was for many years disregarded; the species *undalis* was placed by standard authors (Treitschke, 1829, *Schmett. Eur.* 7 : 128 ; Duponchel, 1831, *Hist. Nat. Lép.* 5(2) : 160, and 1844, *Cat. méth. Lép. Eur.* : 203) in *Nymphula* until Guénée, 1854 (*Spéc. gén.*, Lép. 8 : 415) erected the genus *Hellula* with *undalis* as sole species.

6. Guénée did not intend to remove *undalis* from *Oeobia*, he simply ignored that generic name, as he did all Hübnerian generic names. Guénée's genus *Hellula* was universally used for *undalis* and allies until 1928, when Shibuya (J.), (*Fac. Agr. Hokkaido imp. Univ.* 22 : 246) selected *undalis* as type species of *Oeobia*. Since that time some authors (e.g. Klima, 1939, *Lep. Cat.* 94 ; Ghesquière, *Ann. Mus. Congo Belge* (3) (2) 7 : 168 ; Inoue, 1955, *Check List Lep. Japan* 2 : 179) have used *Oeobia* or *Oebia* for *undalis* and its congeners; the majority of authors (e.g. McDunnough, 1939, *Mem. S. California Acad. Sci.* 2 : 11 ; Capps, 1953, *Bull. S. California Acad. Sci.* 52 : 46) have continued to use *Hellula*. Although the use of *Oeobia* for *undalis* and congeners is not completely without precedent, it would, as Zimmerman (*op. cit.*) correctly states, cause a definite upset in established practice, affecting the names of several common and economically important species.

7. *Pyralis numeralis* Hübner, 1796, has had a varied disposition. In my opinion the actual identity and generic placement of this species are extremely doubtful, but the species commonly accepted as *numeralis* is a congener of *Pyralis ferrugalis* Hübner, 1796 (*Samm. europ. Schmett.* : pl. Pyr. 9, fig. 54), type species of *Udea* Guénée, 1844, a large and world-wide genus, now becoming familiar under that name (Munroe, 1950, *Canad. Ent.* 82 : 220 ; Inoue, 1955, *op. cit.* : 5 ; Common Names of Insects, 1955, *Bull. ent. Soc. America* 1(4) : 4, 7, 30). So far as I can determine, until Zimmerman's proposal in 1956 *Pyralis numeralis* had never been taken unequivocally as type species of *Oeobia*. Hampson, 1899 (*Proc. zool. Soc. Lond.* 1899 : 239) regarded *Oeobia* as a *nomen nudum* and cited it in synonymy of the later name *Pionea* Guénée. It is true that he placed *undalis* in *Hellula* without reference to *Oeobia*, and that he therefore cannot at that time have regarded *undalis* as type species of *Oeobia*. However, his virtual restriction of the type of *Oeobia* does not constitute a type selection "rigidly construed" nor, as it

antedates *Opinion* 6, can it have been determined "on the faith of" that *Opinion*. Hampson himself, at this time regarded the name *Oeobia* as a *nomen nudum* without status, and he did not use it in any binomen. His citation in synonymy had no appreciable effect on subsequent usage; later, when he came to accept Hübner's names, he resurrected not *Oeobia*, but (erroneously) *Hapalia*, for the inclusive concept to which he had earlier applied the name *Pionea*. The only reference I can find in which *Oeobia* is used for obvious congeners of the supposed *numeralis* is an obscure one by Caradja, 1937 (*Dtsch. ent. Z. Iris.* 51 : 166). Meyrick in his later work (1933, *Exot. Microlep.* 4 : 411, *et al.*) used *Oeobia* for a number of miscellaneous new species, not related to either *undalis* or *numeralis*. His published work gives no clue that I can find as to which species he considered the type species of *Oeobia*. There is no evidence whatever that anyone, prior to Zimmerman, 1956, has ever in published work accepted *numeralis* as the type of *Oeobia* on the faith of *Opinion* 6.

8. From the above it will be seen that, of the two possible type species of *Oeobia*, acceptance of *undalis* Fabricius involves an upset of the generally (though not quite universally) accepted name of the small but important genus commonly known as *Hellula*; if the current identification of *numeralis* is correct, acceptance of this species as type of *Oeobia* involves an upset of the name that has been applied to the large and important genus *Udea* Guénée by all authors since this genus was recognised as a natural entity, and by several earlier authors to the large assemblage of species in which they included *numeralis*; the identity of *numeralis* is moreover open to doubt, opening the door to still further instability in the usage of *Oeobia* if *numeralis* is accepted as type.

9. Therefore, since :—

(i) whichever species is accepted as type of *Oeobia* Hübner, [1825], this name will displace a better-known and widely accepted name for an important genus,

(ii) the name *Oeobia* Hübner has had very little currency in any sense whatsoever, and

(iii) the species *Pyrallis numeralis* Hübner, 1796, cannot be taken as type species of *Oeobia* Hübner under the Rules, so that the protection of the name *Hellula* Guénée, 1854, as sought by Zimmerman, 1956 (: 250), must in any event require the use of the Plenary Powers,

the International Commission on Zoological Nomenclature is asked :—

(1) to suppress under the Plenary Powers for the purpose of priority but not of homonymy, the generic names *Oeobia* Hübner, emend, and *Oebia* Hübner, [1825];

(2) to place the under-mentioned generic names on the *Official List of Generic Names in Zoology* :—

(a) *Hellula* Guénée, 1854 (gender : feminine) (type species, by original designation : *Phalaena undalis* Fabricius (J.C.), 1781);

(b) *Udea* Guénée, 1844 (gender : feminine) (type species, by monotypy : *Pyrallis ferrugalis* Hübner, 1796);

(3) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—

(a) *ferrugalis* Hübner, 1796, as published in the combination *Pyrallis ferrugalis* (specific name of type species of *Udea* Guénée, 1844);

- (b) *undalis* Fabricius (J.C.), 1781, as published in the combination *Phalaena undalis* (specific name of type species of *Hellula* Guénéé, 1854);
- (4) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
- (a) *Oeobia* (emend. of *Oebia*) Hübner, [1825], as suppressed under the Plenary Powers in (1) above ;
- (b) *Oebia* Hübner, [1825] (an Invalid Original Spelling for *Oeobia*), as suppressed under the Plenary Powers in (1) above ;
- (5) to place the under-mentioned specific name on the *Official Index of Rejected and Invalid Specific Names in Zoology* :—
- undulalis* Hübner, 1796, as published in the combination *Pyralis undulalis* (an Erroneous Subsequent Spelling for *undalis* Fabricius (J.C.), 1781, as published in the combination *Phalaena undalis*).

**6. Publication (a) of Eugene Munroe's comment on Elwood C. Zimmerman's application and (b) of his counter-proposal :** The comment on Dr. Zimmerman's application furnished by Dr. Eugene Munroe (para. 4 above), together with the paper in which he set out his counter-proposal (para. 5 above), were sent to the printer on 27th March 1957 and the two papers were published on 28th June of that year in Part 6 of Volume 13 of the *Bulletin of Zoological Nomenclature* (Munroe, 1957, *Bull. zool. Nomencl.* 13 : 183-185 (comment on Zimmerman plan), 186-189 (counter-proposal)).

**7. Issue of Public Notices respecting Eugene Munroe's counter-proposal :** Unlike the original proposal submitted by Dr. Zimmerman, the counter-proposal brought forward by Dr. Munroe involved the possible use by the Commission of its Plenary Powers. Accordingly, under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51-56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in Dr. Munroe's counter-proposal was given on 28th June 1957 (a) in Part 6 of Volume 13 of the *Bulletin of Zoological Nomenclature* (the Part in which Dr. Munroe's counter-proposal was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological serial publications and to eight entomological serials in Europe and America.

**8. Extension to 28th December 1957 of the Prescribed Waiting Period in relation to the present case :** The receipt of Dr. Munroe's counter-proposal and the fact that it involved the possible use of the Commission's Plenary Powers inevitably involved a considerable delay in the consideration of Dr. Zimmerman's original application. In order, however, that this delay should be reduced to the smallest possible compass, the Secretary on 28th June 1957, the date of the publication of Dr. Munroe's counter-proposal, executed a Minute directing that a Voting Paper be submitted to the Commission in the present case as soon as possible after the expiry on 28th December 1957 of the Prescribed Waiting Period in respect of the portion of Dr. Munroe's counter-proposal which involved the possible use of the Commission's Plenary Powers.

**9. No Comments received during the Extended Waiting Period :** No comments were received during the Extended Waiting Period either on Dr. Zimmerman's original proposal or on Dr. Munroe's counter-proposal.

**10. Consideration in December 1957 of the procedural problems involved in the present case :** Towards the close in December 1957 of the Extended Waiting Period consideration was given by the Secretary to the arrangements to be adopted for obtaining a decision from the International Commission. On this, Mr. Hemming took the view that the most convenient course would be to invite the Commission to take a vote at once on the counter-proposal submitted by Dr. Eugene Munroe, for apart from the clear-cut question of principle involved the recommendations set out in that counter-proposal raised no matters for investigation, whereas in view of the particulars given in the first of the two papers submitted by Dr. Munroe at least one such investigation would be necessary before a vote could be taken on Dr. Zimmerman's application. Accordingly, in reporting to the Commission the conclusions which he had reached in this matter, Mr. Hemming added (in Note 4 annexed to the Voting Paper issued) that, if the Munroe counter-proposal were to be rejected in the coming vote, it would be necessary, before this case was resubmitted to the Commission, for consultations to be held with the original applicant (Dr. Zimmerman) in regard to that portion of his plan which was concerned with the status of the name *numeralis* Hübner, 1796, as published in the combination *Pyralis numeralis*, that being the name of the species which had been recommended by Dr. Zimmerman for acceptance as the type species of the genus *Oeobia* Hübner, [1825], but which was considered by Dr. Munroe to be a *nomen dubium*.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**11. Issue of Voting Paper V.P.(57)69 :** On 30th December 1957 a Voting Paper (V.P.(57)69) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the generic names *Oeobia*, *Hellula* and *Udea* as submitted by Eugene Munroe in Points (1) to (5) in paragraph 9 on pages 188 and 189 in Volume 13 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 5 of the present *Opinion*].

**12. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 30th March 1958.

**13. Particulars of the Voting on Voting Paper V.P.(57)69 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)69 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-one (21) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Mayr ; Boschma ; Hering ; Prantl ; Vokes ; Lemche ; do Amaral ; Bonnet ; Dymond ; Hankó ; Key ; Bodenheimer ; Bradley (J.C.) ; Hemming ; Jaczewski ; Sylvester-Bradley ; Stoll ; Tortonese ; Kühnelt ; Riley ;

(b) *Negative Votes : one (1) :*

Mertens ;

(c) *On Leave of Absence, one (1)* :

Miller ;

(d) *Voting Papers not returned, one (1)* :

Cabrera.

**14. Declaration of Result of Vote :** On 31st March 1958, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)69, signed a Certificate that the Votes cast were as set out in paragraph 13 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**15. Preparation of the Ruling given in the present "Opinion" :** On 1st May 1958, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)69.

**16. Original References for Generic and Specific Names :** The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*ferrugalis*, *Pyralis*, Hübner, 1796, *Samml. europ. Schmett.* : pl. *Pyr.* 9, fig. 54

*Hellula* Guénéée, 1854, *Hist. nat. gén. Ins.*, Lép. **8** : 415

*Oebia* Hübner, [1825] (an Invalid Original Spelling for *Oeobia*)

*Oeobia* (emend. of *Oebia*) Hübner, [1825], *Verz. bekannt. Schmett.* (23) : 362

*Udea* Guénéée, 1844, in Duponchel, *Cat. méth. Lépid. Eur.* : 209

*undalis*, *Phalaena*, Fabricius (J.C.), 1781, *Spec. Ins.* **2** : 272

*undulalis*, *Pyralis*, Hübner, 1796, *Samml. europ. Schmett.* : pl. *Pyr.* 14, fig. 93

**17. Family-Group-Name Aspects :** The original applicant (Dr. Elwood C. Zimmerman) has stated (in para. 4 of the paper reproduced in para. 1 of the present *Opinion*) that no family-group-name problem arises in the present case, the genera involved being currently placed in the family PYRALIDAE.

**18. Compliance with Prescribed Procedures :** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

19. "Opinion" Number : The present *Opinion* shall be known as *Opinion* Five Hundred and Thirty-Six (536) of the International Commission on Zoological Nomenclature.

DONE in London, this First day of May, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**